

Serial No. 09/823,777  
Response Dated December 9, 2004  
Reply To Office Action Of September 9, 2004

### **REMARKS**

In the Office Action dated September 9, 2004, the Examiner noted that claims 1-10 are pending in the application, that claims 7-9 are objected to as being dependent from a rejected base claim, and that claims 1-6, 10 are rejected under 35 U.S.C. §102(e). It was also noted that the Abstract exceeded the suggested length limitation.

By this response, Applicants have amended the Abstract to conform to the length limitation and Applicants have amended claim 7 to be in independent form.

In view of the above amendments and the following discussion, Applicants submit that the claims pending in the application are believed to be definite under 35 U.S.C. §112, novel under 35 U.S.C. §102, and nonobvious under 35 U.S.C. § 103. Thus, Applicants believe that the application is in condition for allowance.

### **I. OBJECTION TO THE ABSTRACT**

Objection has been raised with respect to the length of the Abstract. Applicants have amended the Abstract to be within the 150 word limit. Therefore, it is believed that this ground for objection has been obviated.

### **II. ALLOWABLE SUBJECT MATTER**

Claims 7-9 have been objected to as being dependent from a rejected base claim. But it was noted that these claims would be allowable if rewritten in independent form.

Applicants have amended claim 7 to be in independent form including all the limitations of the base independent claim, claim 1. As a result, it is believed that claim 7 as amended is allowable. Claims 8 and 9 depend directly from claim 7 and are likewise believed to be allowable in view of the amendment to claim 7.

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### **III. REJECTION OF CLAIMS UNDER 35 U.S.C. §102(e)**

Claims 1-6, 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,438,652 by Jordan et al. (hereinafter "Jordan"). This rejection is respectfully traversed.

Jordan involves the use of a distributed cache, known as a collection of cooperating cache servers, together with a load balancing monitor to detect and balance overload conditions. The monitor maintains and shares load condition information with each cache server. This load condition information is computed by the load monitor and identifies cache servers that are capable of handling forwarded requests. Each cooperating cache server services or forwards the user request in accordance with the load condition information distributed by the load monitor.

Jordan's load condition information is information about the status of each cache server where the status indicates an overload, normal load or underload condition. Jordan's load condition information is not even remotely suggestive of Applicants' claimed "rank change information for said media clip." Applicants' rank change information for the media clip is mutually exclusive of any indication of cache server loading conditions. As a result, Jordan does not teach Applicants' claimed step (a) of "receiving rank change information for said media clip from the origin server at said each NDPS."

Jordan is concerned with identifying cache server loading conditions. Jordan is not concerned with shifting the storage of media clips around among the cache servers. Jordan includes no teaching of revising the cache layout in either the section identified by the Examiner or in the specification of Jordan as a whole. Moreover, Jordan is silent as to any teaching that each server in the collection of cooperating cache servers computes or determines the revised cache layout in response to the rank change information. Rank change information is not even received at the cache servers. So if the cache servers were even to be able to perform a determining step, any such determining step would be unable to be performed in response to rank change information for the media clip. But, the cache servers are not even described as doing any computation or determination on any kind of information, let alone rank change

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information or even load condition information. Jordan's cache servers do not revise a cache layout. Instead, Jordan's servers directly service or forward client requests in accordance with the load condition information distributed by the load monitor. As a result, Jordan does not teach Applicants' claimed step (b) of **"determining a revised cache layout responsive to the rank change information"** at said each NDPS."

Contrary to the Examiner's assertion about Applicants' step (e) being taught by Jordan, there is no such teaching or mention of the terms or concepts of "token" or "token exchange" in the Jordan reference. Requests for a particular media clip can be forwarded by Jordan to another cache server, but no tokens are exchanged with any servers in the process. Tokens cannot be confused with or interpreted as being media clips. Tokens are explained in Applicants' specification to have a well-known meaning separate and apart from the media clip. As a result, Jordan does not teach Applicants' claimed step (e) of **"otherwise, initiating a token exchange with another NDPS that stores the requested segment."**

In part, apparatus claim 10 calls for:

*means for receiving rank change information for said media clip from the origin server;*

*means for determining a revised cache layout responsive to the rank change information;*

*...;and*

*means for initiating a token exchange with another NDPS which stores the requested segment.*

The remarks presented above with respect to steps a, b, and e of claim 1 apply with equal force to their counterpart "means" clauses recited above from claim 10. In light of those earlier remarks, it is submitted that the Jordan reference does not teach, show, or suggest each and every element of the unique system defined by Applicants in claim 10. Therefore, it is believed that claim 10 is not anticipated by the Jordan reference. Hence, Applicants respectfully submit that claim 10 is allowable under 35 U.S.C. §102.

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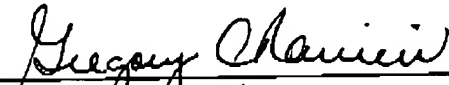
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Gregory C. Ranieri, Esq. at (732) 383-1394 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dec. 9, 2004

  
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